THE HIGH COURT OF DELHI AT NEW DELHI

% Judgment delivered on :08.08.2007

+ **CS(OS) 2299/2006**

GRAPHISADS PVT. LTD ... Plaintiff

- versus -

NORTHERN RAILWAYS & ORS ...Defendants

Advocates who appeared in this case:

For the Plaintiff	:	Mr Rajiv Nayar, Sr. Advocate with Mr S. K. Maniktala and Mr Vijay Chauhan
For the Defendant No.1	:	Mr Rakesh Tikku
For the Defendant No.2	:	Ms Adelina for Mr Gaurang Kanth
For the Defendant No.3	:	Mr V. K. Tandon
For the Intervenor/ Pioneer Publicity Ltd.	:	Mr A. S. Chandhiok, Sr. Advocate with Ms Manmeet Arora M/s. and Mr Mahesh Chhiber

CORAM:-
HON'BLE MR JUSTICE BADAR DURREZ AHMED

1. Whether Reporters of local papers may be allowed to see the judgment?

2. To be referred to the Reporter or not?

3. Whether the judgment should be reported in Digest?

BADAR DURREZ AHMED, J (ORAL)

1. This matter has been argued at length by the counsel for the parties. It appears that the suit itself can be disposed of. The plaintiff had initially been successful in a tender in respect of hoarding sites owned by the defendant No.1 (Northern Railways). A contract was entered into subsequent to that with effect from 29.10.2004 for a period of one year. The same was extendable by a further period of one year and a further renewal of one year, taking it up to

30.01.2007. It is an admitted fact that even after this period, the contract was extended up to 31.05.2007.

2. In the meanwhile, the Northern Railways had come out with a policy that instead of giving group contracts for hoarding sites, there would be a bulk tender for all the hoarding sites in the Delhi Division. As a result of which a fresh NIT was issued on 22.02.2007 in which the plaintiff also participated. However, the plaintiff was unsuccessful and the bid of one M/s. Pioneer Publicity Corporation Limited was accepted. The position in fact and in law, as it stands today, is that the contract between the plaintiff and the defendant No.1 has worked itself out through efflux of time. The new bulk contract has already been awarded to the said M/s. Pioneer Publicity Corporation Limited. The grievance of the plaintiff was with regard to alleged disturbance being created by the PWD (defendant No.3) sometime in December 2006 when they allegedly threatened to pull down the hoardings of the plaintiff both in Northern Railways sites as well as the MCD (defendant No.2) sites with whom the plaintiff had a separate contract. Insofar as the contract with the defendant No.1 (Northern Railways) is concerned, it has now been agreed by the parties that the plaintiff shall remove all the hoardings as well as the structures by 31.08.2007. The sites would be vacant for use by the defendant No.1, as per their fresh contract on 01.09.2007. The plaintiff shall also clear all arrears up to 31.08.2007. In the first instance, the plaintiff shall pay an

amount of Rs 50 lacs within 10 days from today and the balance arrears, if any, shall be paid before 31.08.2007. The plaintiff shall file an undertaking to this effect within one week before this Court.

3. Mr Rajiv Nayar, the learned senior counsel appearing on behalf of the plaintiff, submits that as of now he has no grievance left with the MCD (defendant No.2) and the only grievance is with the defendant No.3 (PWD). Mr Tandon, the learned counsel who appears on behalf of the PWD, makes a categorical statement that whatever action they may take would be strictly in view of the Supreme Court directions with regard to hoardings. The PWD shall not take any action which is contrary to any direction given by the Court. In case any action detrimental to the plaintiff is contemplated, then they shall give 7 days notice to the plaintiff before doing so. It is clarified that the sites for which the plaintiff contracted with the defendant No.1 are detailed in paragraphs 7, 14 and 15 of the plaint and the sites for which the plaintiff contracted with the MCD are detailed in paragraph 16 of the plaint.

With these directions this suit stands fully satisfied and stands disposed of. All pending IAs also stand disposed of.

BADAR DURREZ AHMED
(JUDGE)

August 08, 2007

SR